

2005 Assembly Bill 722

Date of enactment: **March 30, 2006**

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2005 WISCONSIN ACT 242

AN ACT *to amend* 440.08 (2) (a) 56., 450.06 (title), 450.06 (1), 450.06 (2) (intro.) and 450.06 (3); and *to create* 450.065 and 450.11 (4) (a) 1m. of the statutes; **relating to:** the licensure of pharmacies located outside the state and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 440.08 (2) (a) 56. of the statutes is amended to read:

440.08 (2) (a) 56. Pharmacy, ~~in-state and out-of-state~~: June 1 of each even-numbered year; \$56.

SECTION 3. 450.06 (title) of the statutes is amended to read:

450.06 (title) Pharmacy Pharmacies located in this state; licensure.

SECTION 4. 450.06 (1) of the statutes is amended to read:

450.06 (1) No pharmacist may dispense at any location ~~which in this state that~~ is not licensed as a pharmacy by the board. No person ~~in this state~~ may use or display the title “pharmacy”, “drugstore”, “apothecary,” or any other title, symbol, or insignia having the same or similar meanings, except for a place of practice which is licensed ~~under this section~~ as a pharmacy by the board.

SECTION 5. 450.06 (2) (intro.) of the statutes is amended to read:

450.06 (2) (intro.) The board shall issue a license to operate a pharmacy at a specific location ~~in this state~~ if:

SECTION 6. 450.06 (3) of the statutes is amended to read:

450.06 (3) No pharmacy ~~located in this state~~ may be opened or kept open for practice following a change of ownership or change of location unless the pharmacy is licensed for the new owner or at the new location, notwithstanding any remaining period of validity under the pharmacy’s license under the previous owner or at the previous location.

SECTION 7. 450.065 of the statutes is created to read:

450.065 Out-of-state pharmacies; licensure. (1)

No pharmacy that is in another state may ship, mail, or otherwise deliver a prescribed drug or device to persons in this state unless the pharmacy is licensed under sub. (2).

(2) The board shall issue a license to a pharmacy that is located outside this state if the pharmacy does all of the following:

(a) Applies on a form provided by the board that shows all of the following:

1. The location of the pharmacy.
2. The name and address of the person holding title and ownership control of the location.
3. The name of the managing pharmacist of the pharmacy.

(b) Submits a statement in a form prescribed by the board from the owner of the pharmacy or, if the pharmacy is not a sole proprietorship, from the managing pharma-

* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated” by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

cist of the pharmacy that indicates that the owner or managing pharmacist, whichever is applicable, knows the laws relating to the practice of pharmacy in this state.

(c) Submits evidence satisfactory to the board that it is licensed in the state in which it is located.

(d) Pays the fee under s. 440.05 (1).

(3) A pharmacy that applies for a license under sub. (2) may not be required to comply with any provision in this chapter or any rule promulgated under this chapter relating to the professional service area of a pharmacy or the minimum equipment requirements for a pharmacy.

(4) (a) Notwithstanding s. 450.03, a pharmacist employed in a pharmacy licensed under this section is not required to be licensed under this chapter.

(b) Notwithstanding s. 450.09, a pharmacy licensed under this section is not required to be under the control of a managing pharmacist licensed under this chapter.

(5) A pharmacy licensed under this section shall provide a telephone number that allows a person in this state to contact the pharmacy during the pharmacy's regular hours of business and that is available for use by a person in this state for not less than 40 hours per week.

SECTION 8. 450.11 (4) (a) 1m. of the statutes is created to read:

450.11 (4) (a) 1m. The telephone number of the pharmacy, if the prescribed drug or device is dispensed by an out-of-state pharmacy licensed under s. 450.065.